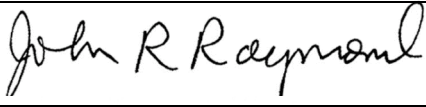
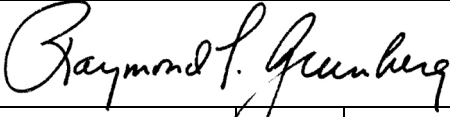


**MEDICAL UNIVERSITY OF SOUTH CAROLINA
OFFICE OF ACADEMIC AFFAIRS AND PROVOST
POLICY MEMORANDUM**

		MEMORANDUM ID:	AA-2008-01-EDUCATION
TITLE:	TECHNOLOGY, EDUCATION, AND COPYRIGHT HARMONIZATION ACT (TEACH ACT) POLICY		
ORIGINATOR:	UNIVERSITY EDUCATION INFRASTRUCTURE COMMITTEE	DATE:	10/15/2007
REVIEWED/APPROVED:	DATE:	SIGNATURES:	
DEANS' COUNCIL	JANUARY 21, 2008		
PRESIDENT'S COUNCIL	JANUARY 30, 2008		
IMPLEMENTATION:	IMMEDIATELY UPON APPROVAL	DATE:	JANUARY 30, 2008
DISTRIBUTION:	MUSC FACULTY AND STUDENT HANDBOOKS		

I. RATIONALE

The purpose of this policy is to implement the Technology, Education, and Copyright Harmonization Act (TEACH Act) at the Medical University of South Carolina (MUSC). The TEACH Act applies only to digital dissemination of educational content (distance education). Methods used to achieve this purpose include awareness education and personal responsibility. MUSC will comply to the extent required by law with the provisions of the U.S. Copyright Act. Under the Copyright Act, the use of the work of another without their permission may be considered copyright infringement absent compliance with certain legal exceptions. One such exception is set forth in the TEACH Act.

The TEACH Act provides a framework for the use of the work of another without their permission provided certain conditions are met, in the area of distance education. It is an effort to simulate the face-to-face instruction exception in copyright law.

This policy in no way abrogates the ability of MUSC to avail itself of the privileges and protection of sovereign immunity. This policy shall not be considered a statement, admission, or policy indicating that MUSC is subject to an action for copyright infringement.

II. SUMMARY OF THE TEACH ACT

The TEACH Act provides that, in the course of a distance learning class session, the performance of a nondramatic literary or musical work or reasonable and limited portions of any other work, or display of a work in an amount comparable to that which is typically displayed in the course of a live classroom session, is not an infringement of copyright if:

- A. the performance or display is made under the supervision of an instructor as an integral part of a class session;
- B. the performance or display is directly related to the teaching content;
- C. the transmission is limited to students officially enrolled in the course; and
- D. the institution:
 - 1. has policies regarding copyright;

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2. provides information materials to faculty and students that accurately describe and promote compliance with U.S. copyright laws; and
3. provides notice to students that materials used in connection with the course may be subject to copyright protection; and in the case of digital transmissions, applies technological measures that reasonably prevent retention of the work in accessible form for longer than the class session and unauthorized further dissemination of the work.

In the event that compliance with the TEACH Act is not possible, the use of the work of others may still be possible via the fair use doctrine.

III. RESPONSIBILITIES OF UNIVERSITY

In order to comply with the TEACH Act, MUSC should

1. have policies regarding copyright;
2. provide information materials to faculty and students that accurately describe and promote compliance with U.S. copyright laws;
3. provide notice to students that materials used in connection with the course may be subject to copyright protection; and
4. in the case of digital transmissions, apply technological measures that reasonably prevent retention of the work in accessible form for longer than the class session and unauthorized further dissemination of the work.

IV. RESPONSIBILITIES OF INDIVIDUAL

In general, MUSC personnel who want to incorporate works into digital transmissions for instructional purposes pursuant to TEACH must:

1. Avoid use of commercial works that are sold or licensed for purposes of digital distance education.
2. Avoid use of works with unknown provenance, or works where you otherwise have reason to know the copy was not lawfully made.
3. Generally limit use of works to an amount and duration comparable to what would be displayed or performed in a live physical classroom setting. In other words, TEACH does not authorize the digital transmission of textbooks or course packs to students.
4. Supervise the digital performance or display, make it an integral part of a class session, and make it part of a systematic mediated instructional activity. In other words, the faculty should interactively use the copyrighted work as part of a class assignment in the distance education course. It should not be an entertainment add-on or passive background/optional reading.

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5. Use software tools provided by the university to limit access to the works to students enrolled in the course, to prevent downstream copying by those students, and to prevent the students from retaining the works for longer than a “class session.”
6. Notify the students that the works may be subject to copyright protection and that they may not violate the legal rights of the copyright holder.

V. ACCESS

The Technology, Education, and Copyright Harmonization Act (TEACH Act) Policy will be available from the Office of the Provost and Vice President for Academic Affairs and Provost. It will be distributed digitally and by hardcopy to all units reporting to the Provost, and be maintained on the Provost website www.musc.edu/academic. The policy will also appear in the Medical University Bulletin (on the Medical University website) and the MUSC Faculty and Student Handbooks. The Vice President for Academic Affairs and Provost will be responsible for monitoring and maintaining the policy. The policy will be reviewed for revision as needed. This memorandum is a public document and has no restriction for distribution.